



December 7, 2020

Honorable Sarah L. Cave, U.S.D.J.  
United States District Court, Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 443  
New York, New York 10007

**VIA ECF**

Re: *Eva's Photography, Inc. v. Rachel Katz, LLC*, No: 1:20-cv-04663 (VEC) (SLC)

Dear Judge Cave:

As you know, I represent the above-referenced Defendant. I write, with Plaintiff's consent, to request an adjournment of tomorrow afternoon's continued settlement conference.

I apologize for this letter's last-minute nature, but last week, after the Court announced that the conference was postponed *sine die* – and before the Court reinstated the conference – my client made family plans for tomorrow. I learned today that she cannot practically change those plans.

In the meantime, today my co-counsel Ms. Moskowitz contacted Plaintiff's new attorney, James Freeman, about resolving this litigation without further court involvement. Mr. Freeman consents to Defendant's request to adjourn tomorrow's conference so that parties can discuss settlement directly first.

Thank you for your consideration.

Respectfully Submitted,

**DEREK SMITH LAW GROUP, PLLC**

/s/ Daniel S. Kirschbaum

Daniel S. Kirschbaum, Esq.

cc: James H. Freeman (via ECF)

Defendant's Letter-Motion to adjourn the December 8, 2020 Settlement Conference (ECF No. 21) is GRANTED and the Settlement Conference is adjourned *sine die*. The parties shall file a joint status report on **Monday, January 4, 2021** concerning the status of settlement negotiations and whether an additional Settlement Conference would be constructive. The Clerk of Court is respectfully directed to close ECF No. 21.

SO-ORDERED 12/7/2020

A handwritten signature in black ink that reads "Sarah L. Cave".

SARAH L. CAVE  
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